

**CHIROPRACTIC EXAMINING BOARD
MEETING MINUTES
NOVEMBER 18, 2010**

PRESENT: Wendy Henrichs, James Koshick, Mania Moore, Kathleen Schneider, Steven R. Conway and Steven Silverman

GUESTS: Carl Heigl, Elizabeth McLean and Sue Turowski

STAFF: Angela Arrington, Bureau Director; Yolanda McGowan, Legal Counsel; Michelle Solem, Bureau Assistant; and other DRL Staff

CALL TO ORDER

Chair, Wendy Henrichs called the meeting to order at 8:36 a.m. A quorum of 6 members was present.

ADOPTION OF AGENDA

Amendments:

- Discussion regarding new NBCE exam.
- Remove Letter E – Kevin Servi
- Add in closed session – Continuing Education Extension Request by David A. Olsen, D.C.

MOTION: Mania Moore moved, seconded by Steven Silverman, to adopt the Agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES OF OCTOBER 21, 2010

Corrections:

- Correct quorum from 6 to 5.
- Correct spelling of preceptor.
- Under Legislative/Administrative Rules-change “training” to “trained”
- Under Use of Ionic Footbath – include the word “not” before “recognized”

MOTION: Mania Moore moved, seconded by Kathleen Schneider, to approve the Minutes of October 21, 2010 as corrected. Motion carried unanimously.

ADMINISTRATIVE REPORT

Angela Arrington reviewed the information that was included in the red folder for this meeting. She noted that the Chiropractic Examining Board has been selected for an outstate meeting in March of 2011. The Board will leave the final decision on location to the Department, but would prefer a location further north due to the number of Board members that live north. Members suggested the following communities: Green Bay, Eau Claire, Merrill, Stevens Point and Wausau.

ELECTIONS

Elections

- NOMINATION:** James Koshick nominated Wendy Henrichs as chairperson. The chair called for additional nominations three times before calling the vote. Wendy Henrichs was elected chairperson for the 2011 calendar year.
- NOMINATION:** Mania Moore nominated Steven Silverman as vice-chairperson. The chair called for additional nominations three times before calling the vote. Steven Silverman was elected vice-chairperson for the 2011 calendar year by unanimous vote.
- NOMINATION:** Mania Moore nominated James Koshick as secretary. The chair called for additional nominations three times before calling the vote. James Koshick was unanimously elected secretary for the 2011 calendar year.

Board Appointments

Screening Panel – Steven Conway, Mania Moore and James Koshick
 Monitoring Liaison – Steven Conway
 Credentialing Liaison – Steven Silverman
 Preceptor Liaison – Steven Silverman
 CE Liaison – Wendy Henrichs, Primary – Steven Silverman, Secondary

- MOTION:** Steven Conway moved, seconded by Steven Silverman, to require any retroactive CE approvals or denials to come before the full board. Motion failed.

PRECEPTOR APPROVALS OR ANY RECEIVED AFTER PRINTING OF AGENDA

The following requests for approval of preceptors have been submitted to the DRL 45 days in advance of the beginning of the school's next trimester:

	<u>Chiropractor Lic.</u>	<u>Granted</u>
Palmer (<i>pregrad</i>)	Terrence Garkalow	06/28/1982
	John Schoenenberger	12/14/1989
Palmer (<i>postgrad</i>)	Bryan Gerondale	12/01/1982
	Karen Paras	12/17/1998

- MOTION:** James Koshick moved, seconded by Steven Conway, to approve postgrad preceptors as presented. Motion carried unanimously.

- MOTION:** James Koshick moved, seconded by Steven Conway, to approve preceptor Terrence Garkalow. Motion carried unanimously.

MOTION: James Koshick moved, seconded by Mania Moore, to approve preceptor John Schoenenberger. Motion carried unanimously.

LEGISLATION/ADMINISTRATIVE RULES

Review, Discuss and Approve Authorization to Publish Scope Statement Related to 2009 Wisconsin Act 28

MOTION: Steven Conway moved, seconded by Kathleen Schneider, to approve the scope statement as written. Motion carried unanimously.

Discuss Teleconference Related To Rulemaking For CRT/CT Professions

The Board discussed the possible need for a teleconference to move the rule forward. After hearing public comments, the Board returned to discuss this issue. There was a great deal of discussion surrounding whether technical colleges were statutorily excluded as CE providers for CT/CRT as the Board had indicated. Legal Counsel will review the legislation and report back at the next meeting.

CREDENTIALING/EDUCATION AND EXAMINATION ISSUES

Discussion Related to Practical Exam

Dr. Henrichs briefly touched on the content areas that will make up the new chiropractic practical exam being developed by the Department. Dr. Henrichs noted that there have been discussions between the exam work group and the Department. It was noted that exam development related to the portions of the exam where the Department and the Board are in agreement has been moving forward. There are still some areas of disagreement related to the Board's mandate that live subjects be used in the exam process. Dr. Henrichs asked for an official legal opinion regarding the responsibility of the Board and Department to prepare and administer the exam. Ms. McGowan noted that she will be reviewing the law to determine the scope of the Board's prescriptive authority relative to exam development and administration. The exam must be offered twice between December 15, 2010 and December 14, 2011.

New NBCE Exam

Dr. Conway provided a brief update related to a new NBCE exam. This exam is a new exam that could be used as part of the disciplinary process. The Board can choose different elements of the exam relative to the need for remedial education arising out of the Board's discipline of a licensee.

PUBLIC COMMENTS

Paul Gabriel and Morna Foy, representing the technical colleges, expressed concern about and requested legal authority for the Board's prohibition of technical colleges providing continuing education for CTs and CRTs. They indicated their belief that the Board's reliance on stat. § 446.02(8) is mistaken. Ms. McGowan asked that they submit any questions to her in writing and they will be addressed.

Secretary Jackson appeared before the Board her final time as Secretary. She thanked the Board for their service and wished them well. She expressed her view that there is a lack of clarity as to the work of the Board as the actions of the Board are not transparent.

CLOSED SESSION

MOTION: Mania Moore moved, seconded by Steven Silverman, to adjourn to closed session to deliberate on cases following hearing (s. 19.85(1)(a), Stats.; consider closing disciplinary investigation with Administrative Warning (s. 19.85(1)(b), Stats. and 440.205, Stats., to consider individual histories or disciplinary data (s. 19.85 (1)(f), Stats.; and, to confer with legal counsel (s. 19.85(1)(g), Stats.). Roll Call Vote: Wendy Henrichs – yes; James Koshick – yes; Mania Moore – yes; Steven Silverman – yes; Kathleen Schneider – yes; Steven Conway – yes. Motion carried unanimously.

Open session recessed at 11:15 a.m.

RECONVENE TO OPEN SESSION

MOTION: Mania Moore moved, seconded by Kathleen Schneider, to reconvene in open session at 11:32 a.m. Motion carried unanimously.

VOTING ON ITEMS CONSIDERED OR DELIBERATED ON IN CLOSED SESSION

EXTENSION OF TIME TO OBTAIN CONTINUING EDUCATION

ERIC ROACH AND DAVID OLSEN

MOTION: Steven Conway moved, seconded by James Koshick, to deny the request for an extension of time to complete continuing education requirements received from Eric Roach and David Olsen. Motion carried unanimously.

PROPOSED STIPULATIONS INCLUDING ANY THAT MAY HAVE BEEN RECEIVED AFTER MAILING OF AGENDA

06 CHI 076

RONALD D. FISCHER

MOTION: James Koshick moved, seconded by Steven Conway, to adopt the Findings of Fact, Conclusions of Law, Stipulation and Order, in the matter of Ronald D. Fischer. Motion carried unanimously.

Ms. Arrington noted that this will be her last meeting as she will be returning to the Division of Enforcement. She thanked the Board for their work. Dr. Henrichs noted that Ms. Arrington worked hard to get up to speed and thanked her for her work with the Board.

ADJOURNMENT

MOTION: Steven Conway moved, seconded by Steven Silverman, to adjourn the meeting at 11:59 a.m. Motion carried unanimously.